

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

LISA LYNN HAGER,

Plaintiff

v.

Civil Action No.: 2:11-0598

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant

MEMORANDUM OPINION AND ORDER

The court has received the Proposed Findings and Recommendation (PF&R) of United States Magistrate Judge Mary E. Stanley, entered on May 15, 2012.

The magistrate judge recommends that the court reverse the Commissioner's final decision, remand the claim pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), and dismiss this matter from the court's docket. Specifically, the magistrate judge found that the administrative law judge below did not properly consider medical evidence added to the record after the state agency's review, and did not follow the applicable regulations and caselaw in evaluating the opinion of the claimant's treating physician. (PF&R 12-15). The magistrate

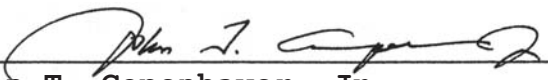
judge did not consider the remaining arguments raised by claimant's counsel. These issues may also be appropriately raised on remand.

Inasmuch as neither party has objected to the PF&R, and following a de novo review, the court concludes the recommended disposition is correct. It is, accordingly, ORDERED as follows:

1. That the PF&R be, and it hereby is, adopted by the court and incorporated herein;
2. That the decision of the Commissioner be, and it hereby is, reversed and this claim is remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C.A. § 405(g) for the purpose of considering the issues stated above and as more fully set forth in the magistrate judge's PF&R; and
3. That this case be, and it hereby is, dismissed from the court's docket.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the magistrate judge.

DATED: June 12, 2012



John T. Copenhaver, Jr.
United States District Judge